IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2372 OF 2006

Sanjay Shyam Sunder Mankani. ..Applicant.
Vs.
The State of Maharashtra and ors. ..Respondent.

Mr. Pankaj Sawant with Mr. Vikram Trivedi and Mr. Faizal Sayyad i/by M/s. Manilal Kher Ambalal & Company for the applicant.

Ms. Jyoti Pawar with Mr. Sunil Rathore for the Respondent No.4.

Mr.S.S.Tatkare, APP. for the State.

CORAM: R.S.MOHITE,J.
DATED : 28/7/2006.

P.C.

1. This is an application for grant of anticipatory bail. The applicant is shown as an accused in C.R.No.58/2006 registered by Santacruz Police Station for alleged offences under Section 498A, 120B and 506 of the I.P.C. The crime has been registered on a complaint of the wife of the present applicant by name Malti S. Malkani on 21.2.2006. The father, mother and brother of the present applicant by names Shakuntala, Shyam Sunder and Ajay are the co-accused alongwith the present applicant. It may be stated here that these three co accused i.e. Shakuntala, Shyam Sunder and Ajay had preferred an application for bail in this court and by a detailed reasoned order dated 9.3.2006 this court (V.M.Kanade, J.) after dealing with all the facts, granted anticipatory bail to these three co-accused.

The present applicant is presently working in Dubai. It appears that he was not party to the aforesaid application made by his family members. It appears that the husband and wife were staying at Dubai and there were matrimonial disputes between them. The wife alleged that she was beaten by husband and harassed her. It however, appears that there was an agreement in writing between the parties and there was some kind of settlement in December,2001, under which parties purported to settle their disputes. The wife received a sum of 2,00,000/- dirhams. The payment of 2,00,000/- dirhams by the husband to the wife is not seriously disputed because the same was by way of bank transaction. The wife returned to India in 2002. The F.I.R. has been filed in 2006. It appears that there are civil proceedings between the parties and some injunction has been granted in favour of the parents of the present applicant. My predecessor (V.M.Kanade, J.) has mentioned in the order that there was delay of more than four years in filing the complaint and the same has not been explained particularly when the complainant was in India since 2002. These reasons of Justice (V.M. Kanade, J.) are also applicable to the facts of the present case. In the circumstances, I am inclined to pass a similar order in favour of the present applicant subject to certain conditions.

2. It may be mentioned that the conditions which I am specifying herein in below are required to be imposed because the counsel appearing for the complainant stated that the present applicant has not been available for investigation at all. The counsel for the applicant however, made a statement that the applicant will return back to India on 31.7.2006 and will be available for investigation and will report to the Investigating Officer on 1.8.2006.

3. In the circumstances, it is directed that in the event of arrest in connection with C.R.No.58/2006 registered by Santacruz Police Station for offences under Section 498A, 120B and 506 of the I.P.C., the applicant may be released on bail in the sum of Rs.10,000/- with one surety in the like amount subject to the condition that he should report to the I.O. at Santacruz Police Station from 1.8.2006 to 8.8.2006 between 5.00 to 7.00p.m. He will handover his passport to the Investigating Officer on 1.8.2006 and the same will be returned to the applicant on 8.8.2006. The applicant will also file an undertaking in this court on or before 8.8.2006 that he will remain present in the trial court on all dates unless he is exempted by the trial court.

4. Application is disposed off.

(R. S. MOHITE, J.)